

CITY OF CANAL FULTON

August 5, 2003

REGULAR COUNCIL MEETING:

Mayor Shawn Kenney called the August 5, 2003 Council Meeting to order at 7:30 p.m. in City Hall Council Chambers.

PLEDGE OF ALLEGIANCE:

CALLING OF THE ROLL: Present: Nellie Cihon, Diane Downing, Linda Zahirsky, Robert Szanto, Mike Mouse, Mayor Shawn Kenney. Mayor Kenney announced that Sherry Reiter, Clerk of City Council had a family emergency. Mr. Dane was absent.

OTHERS PRESENT: Marge Loretto, City Manager; Debbie Kerr, Finance Director; Dale Kincaid, Law Director; Fire Chief, Bob Hill, Mark Stewart, Canal Fulton Fire Department; Julie Scheurer, The Independent; Joan Porter, The Repository; Rochelle Rossi, Victor Colaanni, Bret Stephan, Donna Lemmon, Roger Masters, Angela Rabatin, all residents.

ADOPTING/CORRECTING OF MINUTES:

The Mayor asked for approval of the minutes of the July 15, 2003 regular Council meeting. Mrs. Zahirsky made a motion to approve the minutes of July 15, 2003. Mrs. Cihon seconded the motion.

Roll: Yes – 4. Mrs. Downing abstained due to her absence at that meeting.

SPECIAL RECOGNITIONS:

CITIZENS COMMENTS ON AGENDA MATTERS:

REPORTS OF ADMINISTRATIVE OFFICERS:

Senior Citizens.

Mrs. Cihon said the Center would like to thank Brett Stephan and the City for the painting of the Center. She said Mr. Stephan did an excellent job.

Community Service Coordinator.

No Report.

The Mayor stated that the Community Service Coordinator has agreed to work with the Canal Fulton Heritage Society on a Pumpkin or October Fest. He said all the pumpkins community service workers planted are growing in the sludge at the sewage treatment plant and are growing very well.

Fire Chief.

Chief Hill stated he received a letter from the Safety Committee of Clinton. He said they thought it was a good idea to put people working in their station on Saturday and Sunday, but have decided they would do it themselves.

He said they received a grant from the State for protective suits. He said they have been ordered. He said they also received a grant from the County. He said the County wants the City to purchase everything ahead of time, and then the City will be reimbursed.

He said it has turned out to be somewhat of a mess.

He then stated that with all the wet weather they have been working hard. He said they were in Canton helping out over there. He then read the following letter:

“Dear Chief Hill: As you are aware, on the evening of Sunday, July 27, the Canton/Stark County area was hit by rains that dumped at least 4 inches of rain in three hours. The wake of this storm caused the worst flooding in history. As the flooding peaked during the early morning of July 28, many area residents were in danger and in need of evacuation and emergency assistance. We wish to express our deep appreciation for the assistance provided by the Canal Fulton Fire Department during this time of extreme circumstances and uncharted territory. We are grateful, as all of our citizens, for your Department’s willingness to serve and assist us and for the teamwork and professionalism that was displayed by your Department. Be assured that we continue to stand prepared in any manner to assist your department and the citizens you serve. Sincerely, Mayor Richard Watkins and their Director of Public Safety.”

The Mayor said that the Chief may want to tell them about the recent incidents in Canal Fulton. The Chief said it will be in the next City Newsletter.

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Police Chief.

No Report.

Engineer/Streets/Public Utilities.

No Report.

Director of Finance.

Mrs. Kerr said Council needs to make a motion that they have received the July 2003 end-of-month reports. Mrs. Cihon made a motion to acknowledge receipt of the July 2003 end-of-month reports. Mrs. Downing seconded the motion. Roll: Yes – ALL.

Mrs. Kerr also distributed the booking fees information that had been requested.

Mayor's Report.

The Mayor stated he has received numerous complaints about the City's chip and seal program. He said they have complained that it is not appropriate for the City's main arteries such as Locust. He said council may want to think about, at least for the main arteries, doing away with the chip and seal. He said, however, that it would mean more expense with asphalt.

Mrs. Zahirsky said she still prefers spending money on sidewalks before the City spends money on paving. She said sidewalks are a greater problem for our citizens and children.

The Mayor said he has also been informed that an initiative petition was certified to our Clerk of Council and will be filed with the Board of Elections. He said the petition, in essence, is an amendment to the City Charter. He said the amendment that is being requested be placed on the ballot reads (in part) that ordinances and/or resolutions proposed by the initiative petition and adopted by election shall not be amended, revised, supplemented, repealed, or repealed by implication except by election in which the proposed changes receive a majority vote of all votes cast by qualified electors of the City.

The Mayor said the person who passed this around was Mr. Downing, and he filed it with the City Clerk. The Mayor said he feels this is a dangerous thing whenever you amend the Charter. He said it is his understanding that Mr. Downing has been asking people to sign the petition because they have in mind to again put on a repeal of the income tax ordinance regarding the credit. He said he would much rather see the people who are behind this petition come up with an alternative plan as to how the City will make up the lost revenue.

He said he had the Income Tax Administrator do a work sheet showing the numbers if the 50% credit is repealed and people get 100% credit. He said it is approximately \$225,000.00 that will go out the window. He said the Income Tax Administrator said that if the City increases the tax rate to 1.5% and gave 100% credit, collections would be approximately \$1.3 million. He said if the City increases the tax rate to 1.75 with 100% tax credit, it would be approximately \$1.5 million. He said if nothing is done and it remains at 1% with a 100% tax credit, the City will lose approximately \$225,000.00. He said the projection for next year, with a 1.1% tax and a 50% credit, the City would receive about \$1.2 million.

The Mayor said it's fine to slash taxes, but then how do you run a City.

Mr. Kincaid asked the Mayor if there are sufficient signatures on the petition. Mr. Kincaid said Council will need to set an election date. It was agreed that it will be at the general election in November.

Mr. Mouse stated that in 2001 the City had a \$678,000.00 carry over. He said the credit could have been allowed, but it seemed to him that the City negotiated contracts the City did not have the money to pay for. He said that, obviously, Council does not find it a problem to spend money that is not there.

Mrs. Zahirsky asked Mrs. Kerr if the City is spending money that is not here. The answer was no.

City Manager's Report.

Mrs. Loretto brought everyone up to date on the Civil Service Exam. She said today is the deadline for everything to come in for extra points. The Civil Service Commission will have the information by the first of the week and will then set a date to do the ranking.

She also said she attended the Echoing Ridge meeting and they were pleased that a representative of the City was present. She said they are concerned about the decrease in the amount of money that is allotted for that type of facility.

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She said they also had a follow up meeting regarding Community Park. She also said the Summer Rec Program is going very well.

Parks.

No Report.

Law Director.

Mr. Kincaid stated that the City's lawsuit to establish "Buggy Alley" as a public street will be on standby for trial sometime in the middle of September. He said he has received an affidavit by a relative of the person who used to own that property. She said the man blocked it with a heavy chain, which would have interrupted the City's public use for twenty-one years. He said if anyone is aware of that, please let him know. A short discussion followed.

READING OF ORDINANCES:

THIRD READINGS:

No Third Readings.

SECOND READINGS:

Ordinance 30-03: An Ordinance Amending City Administrative Code Section 141.08 (g) to Provide Compensatory Time Off for Certain Employees.

Mr. Szanto made a motion to amend Ordinance 30-03. He said, as background, the Ordinance was to eliminate comp time in several positions. He said the first amendment he would like to make is to enter the emergency clause into the description. Mr. Szanto then said he would like the description of the Ordinance to read: An Ordinance Amending City Administrative Code Section 141.08 (g) to Provide Compensatory time Off for Certain Employees and Declaring an Emergency.

Mr. Kincaid stated that when an Ordinance is amended, you need the exact text of the amendment. He said there must be an emergency clause in the ordinance.

Mr. Szanto said he will take back his original motion. He then entered another motion to amend the Ordinance to read as follows, which would be Paragraph G: "The Superintendent of the Utility Department and the Director of Public Utility Services shall receive one hour of compensatory time for each hour worked in excess of the standard work week. All overtime work by (striking the words: street and) utility department heads (strike the words: exempt employees) is subject to review and approval of the City Manager." Mr. Szanto said the last sentence beginning with "the Manager's overtime worked" would be struck in its entirety.

Mr. Kincaid said what Mr. Szanto read is different from what is on the text. Mr. Szanto said what Mr. Kincaid has in the text currently that needs to be eliminated are the words: "and exempt employees".

Mr. Kincaid stated that, if he understands it correctly, the new wording will read: "All overtime worked by utility department heads is subject to review and approval of the City Manager."

Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

FIRST READINGS:

Ordinance 31-03: An Ordinance to Make Appropriations From the Unappropriated Balances in Various Funds and Declaring an Emergency.

Mr. Szanto said this ordinance transfers funds to cover the repair of the pump and fountain behind the Canal Boat Lounge.

Mr. Szanto then made a motion to suspend the rules on Ordinance 31-03. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Mr. Szanto then made a motion to pass Ordinance 31-03 under suspension. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Resolution 14-03: A Resolution Re-Appportioning Funds for the Stark Council of Governments as a Result of the Approval of a Sales Tax Increase, and Declaring an Emergency.

Mr. Mouse asked for an explanation. Mrs. Loretto stated that Canton pays 10% to SCOG and so does the County. She said that is worked into the formula for the allocation to the local governments. They want to keep it at 5% until the end of the year and then go back to

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the 10%. She said passage takes a vote of Yes from the County, the City of Canton, and 51% of all other political subdivisions. A short discussion followed.

Mr. Szanto made a motion to suspend the rules on Resolution 14-03. Mrs. Cihon seconded the motion. Roll: Yes – ALL.

Mr. Szanto made a motion to pass Resolution 14-03 under suspension. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

PURCHASE ORDERS AND BILLS:

P.O. #RG3495 in the amount of \$3,697.00 to Warren Pump & Supply Co. for fountain aerator for the Canal with light kit. Emergency purchase due to breakdown of old fountain aerator.

Mrs. Cihon made a motion to approve P.O. #RG 3495, as Now and Then, to Warren Pump & Supply Co. in the amount of \$3,697.00. Mr. Szanto seconded the motion. Roll: Yes – ALL.

Mrs. Kerr stated that the checks total \$180,735.22.

Mrs. Cihon made a motion to acknowledge receipt of the bills. Mrs. Zahirsky seconded the motion. Roll: Yes – ALL.

NEW BUSINESS:

Mr. Mouse asked the Mayor what the status was regarding political signs in the City. Mrs. Loretto stated the signs can be put up 45 days prior to the election, on private property and not larger than 2 x 3.

Mr. Mouse asked if Skipco falls in that criteria, because he has had a political sign up for over a month.

It was stated that the sign referred to is not a political sign. He is not asking people to vote for something.

OLD BUSINESS:

No Old Business.

OTHER BUSINESS:

CITIZENS COMMENTS:

Mr. Colaianne mentioned that Northern Ohio Live Magazine named V-Li's as one of the top three restaurants for Asian cuisine.

He then said, if he is reading the Mayor's comments correctly on the Charter Amendment, he wanted to know if there is any stipulation for the people getting the signatures as to what they can or cannot tell people.

The Mayor said they must be truthful and they must make sure that people know what they are signing. The Mayor said it is his understanding that the person going around asking for signatures. . . Mr. Colaianne interrupted and stated that a resident told him that he had been approached to sign and was told it was for a tax credit.

Mr. Mouse asked Mr. Colaianne why he doesn't ask Mr. Downing.

The Mayor stated that the Citizens Comments portion of the meeting is for people to have the right of free speech and Mr. Colaianne should be able to speak his mind without being crossed examined by Mr. Mouse.

Mr. Colaianne said he regularly check the police blotter on the City website. They answer a number of burglar alarms and he said he appreciates what they do. He said they provide a value to this community. He said if certain members of Council are going to complain about the cost of the safety forces, then come up with a solution.

Mr. Mouse said Mr. Colaianne needs to tell everyone that he is running for office and if he gets in, he will have your chance to contribute.

Mr. Roger Masters of 796 Denshire said he said he also owns property at 674 River Road. He said he called the Street Department almost a year ago about a drainage problem on River Road. He said the person he talked with at the Street Department told him that they were thinking about digging up the street and putting a new drainage system in. Mr. Masters asked when that was going to happen and the Street Dept. person stated it was supposed to be done a year ago. Mr. Masters said now it has been two years. He said he would like to have this done. He said the Mayor brought up the chip and seal issue. He said there are

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several things that the chip and seal does to cause problems. He said there is probably several hundred dollars of damage to his property as a result of the street department not correcting the drain problem.

The Mayor asked him to leave his name and number with the City Manager.

REPORT OF COUNCIL PRESIDENT:

REPORT OF STANDING COMMITTEES:

The regular meeting was adjourned to executive session.

Sharon Reiter, Clerk of Council

Shawn Kenney, Mayor